

Message Text

UNCLASSIFIED

PAGE 01 PANAMA 05610 171935Z

63

ACTION ARA-20

INFO OCT-01 ISO-00 EUR-25 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03

SS-20 USIA-15 ACDA-19 IO-14 SAL-01 SAJ-01 SSO-00

CCO-00 DRC-01 /159 W

----- 000991

P R 171616Z OCT 73

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC PRIORITY 8819

INFO GOV PANCANAL

USCINCSO

UNCLAS PANAMA 5610

EO 11652: N/A

TAGS: PFOR, PN, PQ, UR

SUBJ: FOREIGN MINISTRY PROTESTS ATTACHMENT OF SOVIET SHIP
SHIP IN CANAL

REFS: (A) PANAMA 5414; (B) PANAMA 5523

SUMMARY: AS IT DID OCTOBER 4 IN CASE OF CUBAN VESSEL
IMIAS (REF A), MINISTRY OF FOREIGN RELATIONS OCTOBER 16
ISSUED COMMUNIQUE PROTESTING ATTACHMENT OF SOVIET SHIP
WILLIAM FOSTER IN CANAL WATERS. END SUMMARY.

1. FOLLOWING IS TRANSLATION OF FULL TEXT OF OCTOBER
16 FOREIGN MINISTRY COMMUNIQUE. BEGIN TEXT:

THE PANAMANIAN FOREIGN MINISTRY HAS LEARNED THAT THE
SHIP WILLIAM FOSTER, BELONGING TO THE USSR, AS
IT WAS ABOUT TO TRANSIT THE PANAMA CANAL, WAS DETAINED
AT THE BALBOA ANCHORAGE ACCORDING TO A COURT ORDER
ISSUED BY A U.S. FEDERAL COURT AT THE REQUEST OF TWO
CHILEAN CONCERNS.

WITHOUT CONSIDERING THE WELL KNOWN POLITICAL

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 PANAMA 05610 171935Z

CONSIDERATIONS OF THE CONTROVERSIES EXISTING BETWEEN THE

CHILEAN GOVERNMENT AND THE GOVERNMENTS OWNING THE SHIPS PRESENTLY HELD IN PANAMA CANAL WATERS, THE PANAMANIAN GOVERNMENT REASSERTS ITS REJECTION OF ANY KIND OF ACTION WITHIN ITS SOVEREIGN TERRITORY WHICH MAY DISTURB THE RECOGNIZED PRINCIPLE OF INTERNATIONAL DETENTE AND FRIENDSHIP BETWEEN STATES.

THE FOREIGN MINISTRY STATES THAT ACCORDING TO PRINCIPLES GENERALLY RECOGNIZED BY THE REPUBLIC OF PANAMA, AS WELL AS BY THE INTERNATIONAL COMMUNITY, TRAFFIC THROUGH THE CANAL, EXCEPT FOR THE PAYMENT OF TOLLS, SHALL BE FREE AND OPEN AND CANNOT BE SUBJECTED TO DISCRIMINATION OF ANY KIND, BE IT FLAGRANT OR CONCEALED. THIS INCLUDES POLITICAL AS WELL AS TECHNICAL ASPECTS, ACCORDING TO WHICH WITH DUE RESPECT FOR THE NATIONAL SOVEREIGNTY, THE OPERATION OF THE CANAL SHOULD BE INDEPENDENT OF ANY COUNTRY'S POLICIES.

THE AGREEMENT THAT THE CANAL SHALL NEVER BE BLOCKED, AND THAT WITHIN IT NO ACT OF WAR OR ANY HOSTILE ACTION WILL BE CARRIED OUT, WAS ESTABLISHED AS A GUARANTEE NOT ONLY FOR THE NEUTRALIZATION, SECURITY AND PROTECTION OF THE INTEROCEANIC WATERWAY, BUT ALSO FUNDAMENTALLY FOR THE SHIPS WHICH USE IT, BECAUSE THE CANAL WAS NOT CONCEIVED TO BE, NOR CAN IT BECOME, A TRAP TO AMBUSH AND TRAP SHIPS UNDER ANY PRETEXT PROVOKED BY CONFLICTS WITH THIRD COUNTRIES.

ALSO THE UNITED STATES CAN CARRY OUT ONLY LIMITED ACTIVITIES CONFINED TO THE SPECIFIC PURPOSES OF THE CANAL AND THEREFORE PANAMA REJECTS THE PRETENSION THAT A FEDERAL COURT OF THAT COUNTRY, TO THE DETRIMENT OF PANAMANIAN SOVEREIGNTY, SHOULD ASSUME LEGAL FUNCTIONS WHICH ARE NOT AUTHORIZED BY THE EXISTING TREATIES OR BY THE TERRITORIAL SOVEREIGN WHICH IS THE REPUBLIC OF PANAMA, OR BY INTERNATIONAL RIGHT.

IN THE CASE OF THE DETENTION OF THE WILLIAM FOSTER, AS WELL AS IN THE DETENTION OF THE IMIAS, THEY ARE SHIPS OWNED BY THE COUNTRY UNDER WHOSE FLAG THEY SAIL. THAT IS TO SAY, THEY ARE FOREIGN STATE-OWNED SHIPS IN THE PROCESS OF TRANSITING THE CANAL, SHIPS WHICH IN THE UNCLASSIFIED

UNCLASSIFIED

PAGE 03 PANAMA 05610 171935Z

OPINION OF THE PANAMANIAN GOVERNMENT ENJOY IMMUNITY UNDER THE PRESENT CIRCUMSTANCES, BECAUSE BY THE PECULIAR NATURE OF INTEROCEANIC TRAFFIC THEY ARE NOT SUBJECT TO ANY THEORY RESTRICTIVE OF THEIR SOVEREIGN IMMUNITY. THE DETENTION BY U.S. OFFICIALS OF SHIPS OWNED BY A STATE, BE THEY USED FOR NONCOMMERCIAL USES, OR FOR COMMERCIAL USES, IS OF THE UTMOST SERIOUSNESS BECAUSE IT VIOLATES THE INTERNATIONAL REGIME ESTABLISHED FOR THE

CANAL, AS WELL AS INTERNATIONAL JURISPRUDENCE WHICH CONSECRATES THE INNOCENT TRANSIT, EVEN OF BELLIGERENT SHIPS THROUGH ARTIFICIAL CANALS, WHICH, LIKE PANAMA'S ARE ASSIMILATED TO THE NATURAL STRAITS SINCE THEY UNITE TWO OPEN SEAS FOR THE USE OF THE ENTIRE WORLD.

THE REPUBLIC OF PANAMA EXPRESSES ITS OPPOSITION TO ANY ACT IN VIOLATION OF THE INNOCENT TRANSIT OF SHIPS OF ALL FLAGS THROUGH THE CANAL AND EXPRESSES ITS DEEP CONCERN OVER THE VIOLATION OF THE IMMUNITY OF FOREIGN STATE-OWNED SHIPS, SINCE ACTIONS OF THIS KIND NOT ONLY DISTORT THE IMAGE OF INTERNATIONAL PUBLIC SERVICE TO WHICH THIS WATERWAY IS DEDICATED, BUT ALSO SERIOUSLY AFFECT THE CONTINUOUS, SURE, AND EFFICIENT OPERATION OF THE CANAL IN WHICH THE REPUBLIC OF PANAMA HAS PERMANENT AND VITAL INTEREST AS A MEANS OF EXPLOITATION OF ITS MAIN NATURAL RESOURCES.

THE PANAMANIAN FOREIGN MINISTRY, IN THE NAME OF THE REPUBLIC OF PANAMA, EXPRESSES ITS EMPHATIC PROTEST BEFORE THE INTERNATIONAL COMMUNITY IN THE FACE OF THESE ACTIONS WHICH DISTURB THE RELATIONS OF FRIENDSHIP AND COOPERATION BETWEEN STATES, AND WHICH, BECAUSE OF THEIR OBVIOUS SERIOUSNESS, COULD ENDANGER INTERNATIONAL PEACE AND SECURITY. END TEXT.
SAYRE

NOTE BY OCT: # AS RECEIVED. SERVICED UPON REQUEST.

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SHIP DETENTION, INTERNATIONAL CANALS, TRADE COMPLAINTS, DIPLOMATIC PROTESTS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 OCT 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973PANAMA05610
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: PANAMA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731027/aaaaatme.tel
Line Count: 143
Locator: TEXT ON-LINE
Office: ACTION ARA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: (A) PANAMA 5414; (B) PANAMA 5523
Review Action: RELEASED, APPROVED
Review Authority: kelleyw0
Review Comment: n/a
Review Content Flags:
Review Date: 05 DEC 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05-Dec-2001 by bryansd0>; APPROVED <26 FEB 2002 by kelleyw0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FOREIGN MINISTRY PROTESTS ATTACHMENT OF SOVIET SHIP IN CANAL
TAGS: PFOR, PN, PQ, UR, CI, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005